

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2005-138481-001 DT

08/11/2016

HONORABLE WARREN J. GRANVILLE

CLERK OF THE COURT

B. Navarro

Deputy

STATE OF ARIZONA

JEANNETTE GALLAGHER

ERIC BASTA

JULI S WARZYNSKI

v.

RYAN WESLEY KUHS (001)

MARCI A KRATTER

SHARMILA ROY

CAPITAL CASE MANAGER

MINUTE ENTRY (CAPITAL CASE)

Prior to the Hearing commencing, State's Exhibits 1 and 2 and Defendant's Exhibits 3-6 are marked for identification.

11:18 a.m. This is the time set for a Rule 11 Hearing.

Courtroom 6A SCT

State's Attorney: Jeannette Gallagher, Eric Basta, and Juli S. Warzynski

Defendant's Attorney: Marci A. Kratter and Sharmila Roy

Defendant: Present

Court Reporter, Rochelle Dobbins, is present.

A record of the proceedings is also made digitally.

The Victim's next of kin, Ms. Perez, is present telephonically.

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The Defense makes a record of a mistake in Dr. Olshan's report. The Defense had requested that he submit a written correction, but he has not yet done so.

The Defense makes a record as to the burden of proof.

Defendant's case:

Dr. John Toma is sworn and testifies.

11:58 a.m. Court stands at recess.

1:34 p.m. Court reconvenes.

State's Attorney:	Jeannette Gallagher and Juli S. Warzynski
Defendant's Attorney:	Marci A. Kratter and Sharmila Roy
Defendant:	Present

Court Reporter, Rochelle Dobbins, is present.

A record of the proceedings is also made digitally.

The Victim's next of kin, Ms. Perez, is present telephonically.

Counsel for the Defense calls a witness out of order interrupting Dr. Toma's testimony.

Defense counsel makes a record regarding laughter coming from State's table during Dr. Toma's testimony. The State clarifies and apologizes.

Dr. Bhushan Agharkar is sworn.

State's Exhibits 1, 2, and Defendant's Exhibit 3 are received in evidence.

Dr. Agharkar testifies.

The witness is excused.

2:40 p.m. Court stands at recess.

2:55 p.m. Court reconvenes.

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State's Attorney:	Jeannette Gallagher and Eric Basta
Defendant's Attorney:	Marci A. Kratter and Sharmila Roy
Defendant:	Present

Court Reporter, Rochelle Dobbins, is present.

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Dr. John Toma resumes the stand and testifies further.

Upon the State's request and to the extent that Dr. Toma has notes of either the 2012 or 2015 evaluation,

THE COURT FINDS that those notes necessary and relevant should be provided to Defense counsel for disclosure to the State.

IT IS ORDERED releasing the notes.

The Court notes that the Defense does not have an objection and the Court would overrule a HIPAA objection.

The witness is excused.

Discussion is held regarding the Defense's clarification of Exhibit 1.

3:51 p.m. Court stands at recess until **August 12, 2016 at 11:00 a.m.**